

STATE OF VERMONT
PUBLIC SERVICE BOARD

Docket No. 6516

Petition of Talk.com Holding Corp. d/b/a)
Network Services of New Hope and d/b/a)
TPC of New Hope to amend its Certificate)
of Public Good to reflect a name change)

Order entered: 7/11/2001

**ORDER AMENDING CERTIFICATE OF PUBLIC GOOD
TO REFLECT NAME CHANGE**

I. INTRODUCTION

On December 18, 1995, Tel-Save, Inc. d/b/a Network Services of New Hope received a Certificate of Public Good ("CPG") (CPG No. 203), pursuant to 30 V.S.A. § 231, to provide resold intrastate telecommunications services throughout Vermont. The CPG was subsequently amended on February 10, 2000, to reflect a name change to Talk.Com Holding Corp. d/b/a Network Services of New Hope also d/b/a TPC of New Hope ("Talk.com" or "Company") (Docket No. 6310).

On May 10, 2001, Talk.com filed a petition with the Board requesting that its CPG be amended to reflect a change in corporate name from Talk.com to Talk America, Inc. As part of its petition, the Company also filed an amended certificate of authority to conduct business in Vermont as a foreign corporation as Talk America, Inc.

On June 22, 2001, the Vermont Department of Public Service ("Department") filed a letter with the Board recommending that the Board approve the Company's request. The Department noted that the name change does not appear to change the management structure, nor does it result in rate changes. Further, the Department recommended that the Board approve the petition without the need for hearings or investigation.

The Board, having reviewed the Company's petition and the other materials it filed, agrees that an amended CPG should be issued. As a result, newspaper publication is not required prior to issuance of the amended CPG. 30 V.S.A. §§ 102(a), 231(a).

Based upon the Company's petition and accompanying documents, the Board makes the following findings.

II. FINDINGS

1. Tel-Save, Inc. d/b/a Network Services of New Hope was issued CPG No. 203 on December 18, 1995, to provide telecommunications services in Vermont. The CPG was amended on February 10, 2000, to reflect a corporate name to Talk.com. See CPG No. 203, and Docket 6310.

2. As of May 10, 2001, the Company had received and filed with the Board all documents necessary to effect a corporate name change to Talk America, Inc. Petition at 1-2 and Exhibits.

3. The proposed name change does not involve any change in ownership or the business practices of the Company, nor will it have any impact upon the services provided to the Company's customers. Petition at 1.

III. DISCUSSION

30 V.S.A. § 231(a) provides that the Board may amend or revoke any CPG for good cause, after an opportunity for hearing. Since there is no controversy surrounding the Company's name change, it follows that good cause exists to amend the Company's CPG to reflect the new name of the holder of the certificate. As for whether a hearing is necessary, we conclude that it is not. First, there is no genuine issue of material fact as to whether the Company's CPG should be amended and, consequently, under V.R.C.P. 56, a hearing is unnecessary. Second, the petitioner has asked that the CPG be amended, and the DPS has recommended that the petition be approved without hearing. Finally, 30 V.S.A. § 231(a) requires only the opportunity for a hearing, thus acknowledging that a hearing is not always necessary prior to amendment.

IV. CONCLUSIONS

1. The CPG held by Talk.Com Holding Corp. d/b/a Network Services of New Hope also d/b/a TPC of New Hope should be amended to reflect the new name of the certificate-holder: Talk America, Inc. 30 V.S.A. § 231.

2. The Company should file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

V. ORDER

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Public Service Board of the State of Vermont that:

1. The amended Certificate of Public Good that was issued to Talk.Com Holding Corp. d/b/a Network Services of New Hope also d/b/a TPC of New Hope, on February 10, 2000, shall be amended further to reflect the new name of the holder of the certificate: Talk America, Inc.
2. The Company shall file an amended tariff with the Board that reflects the Company's new name, within 30 days of issuance of its amended CPG.

DATED at Montpelier, Vermont, this 11th day of July, 2001.

<u>s/Michael H. Dworkin</u>)	
)	PUBLIC SERVICE
)	
<u>s/David C. Coen</u>)	BOARD
)	
)	OF VERMONT
<u>s/John D. Burke</u>)	

OFFICE OF THE CLERK

FILED: July 11, 2001

ATTEST: s/Susan M. Hudson
Clerk of the Board

NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or mail) of any technical errors, in order that any necessary corrections may be made. (E-mail address: Clerk@psb.state.vt.us)

Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Board within thirty days. Appeal will not stay the effect of this Order, absent further Order by this Board or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Board within ten days of the date of this decision and order.